

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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VALERIE HALSEY, <i>as Proposed</i>	:	
<i>Administratrix of the Estate of Dorothy</i>	:	
<i>Osborne, deceased,</i>	:	
Plaintiff,	:	22-cv-7664 (VSB)
	:	
-against-	:	<b><u>ORDER</u></b>
	:	
THROGS NECK OPERATING, LLC,	:	
	:	
Defendant.	:	
	X	
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VERNON S. BRODERICK, United States District Judge:

Defendant Throgs Neck Operating, LLC, moves to stay this case pending the resolution of two appeals before the Court of Appeals for the Second Circuit: *Rivera-Zayas v. Our Lady of Consolation*, No. 21-2164, and *Leroy v. Hume*, Nos. 21-2158, 21-2159. Doc. 5. Plaintiff Valerie Halsey opposes the stay. Doc. 12.

Argument in these cases is scheduled for October 31, 2022. *Rivera-Zayas*, No. 21-2164, Docs. 150, 157. Moreover, several other courts in this District with matters that are both procedurally and legally similar to this one have stayed proceedings pending the resolution of these appeals. *See Cusimano v. Eastchester Rehab. and Health Ctr.*, No. 22-cv-6453 (DLC) (S.D.N.Y. July 29, 2022), Doc. 15; *Mitchell v. Parkview Operating Co.*, No. 22-cv-2357 (NSR) (S.D.N.Y. Mar. 23, 2022), Doc. 9; *Jenkins v. Dewitt Rehab. And Nursing Ctr.*, No. 22-cv-5985 (PAE) (S.D.N.Y. July 13, 2022), Doc. 6. Accordingly, it is hereby

ORDERED that Defendant's motion to stay is GRANTED. This action is STAYED pending the resolution of *Rivera-Zayas*, No. 21-2164, and *Leroy*, Nos. 21-2158, 21-2159, by the Court of Appeals for the Second Circuit.

IT IS FURTHER ORDERED that within one week of a decision on either of these cases, the parties SHALL submit a 3-page joint letter indicating that decision's bearing on this case.

The Clerk of Court is respectfully directed to terminate the motion at Doc. 5.

Dated: October 28, 2022  
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style. The first name "Vernon" is written in a larger, more prominent script than the last name "Broderick". The signature is positioned above a horizontal line.

Vernon S. Broderick  
United States District Judge